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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

ASSAF, FAYEZ G

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,676

Applicant(s)

UREY, HAKAN

Examiner

Fayez G. Assaf

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-26 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

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DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities:

Claim 2, the word "the" before whether, appears to be extraneous. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-10, 12-14 and 16-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Furness, III et al. (US 5,467,104).

Regarding claims 6-8, Furness discloses an apparatus for scanning light energy from or toward a target area, comprising, a scanning mirror (132 of Fig. 4) configured to scan continuously from a first angular extreme to a second angular extreme; a first optical emitter (80 of Fig. 4) or detector aligned to the scanning mirror and positioned to image or

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illuminate a first region of the target area when the scanning mirror is at the first angular extreme and to image or illuminate a second region of the target area different from the first region when the scanning mirror is at the second angular extreme; and a second optical emitter (82 of Fig. 4) or detector aligned to the scanning mirror and positioned to image or illuminate the second region of the target area when the scanning mirror is at the first angular extreme and to image or illuminate a third region of the target area different from the first and second regions when the scanning mirror is at the second angular extreme (line 55 to line 65 of Col. 4); and a second mirror (134 of Fig. 4) positioned both in a first optical path between the first optical emitter or detector and the second region and in a second optical path between the second optical emitter or detector and the second region, the second mirror being mounted to pivot about an axis orthogonal to a pivot axis of the scanning mirror (see Fig. 4), wherein the scanning mirror is mounted to pivot along a sweep direction orthogonal to the first and second angular extremes, the scanning mirror being simultaneously movable along the sweep direction and between the angular extremes.

Regarding claims 9, Furness discloses the scanning mirror being a resonant scanner which are inherently pivotable along

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two axes, further including a driving source coupled to the scanning mirror and operative to pivot the scanning mirror through a scan path that defines a substantially raster pattern (line 31 of Col. 4) of imaging or illuminating of the first detector or emitter.

Regarding claim 10, Furness discloses dividing the beams into different regions to scan different sectors of video information (line 55 to line 65 of Col. 4) which inherently discloses the electronic controller being operative to divide each signal portion into parts, each part representing a segment of the respective line and to produce the first signal in response to a first of the segments and to produce the second signal in response to a second of the segments.

Regarding claims 12 and 13, Furness discloses each of light emitting devices having a different respective wavelength range (i.e. red, green and blue colors emerging from optical fibers, line 46 to line 50 of Col. 8).

Regarding claim 14, Furness discloses the first and second light sources sharing a common light emitting device (131 of Fig. 4).

Regarding claims 16-23, the method steps are inherent in the rejected device claims.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 11 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furness.

Regarding claims 1 and 11, Furness discloses the claimed invention including scanning different regions of the target with different color beams in a non-overlapping fashion (line 55 to line 65 of Col. 4), and relaying the light beams by means of optical fibers (line 46 to line 50 of Col. 8). However, Furness does not expressly disclose the recited orientation of light feeds with respect to the scanning mirror.

Nonetheless, it has been held that the mere rearrangement of elements where the device operation is unchanged does not represent a patentable advance. In the instant case, one would have been motivated to arrange as recited in order to prevent overlapping as taught by Furness. In re Japikse, 86 USPQ 70.

Regarding claim 2, the combination discloses a position detector (132 of Fig. 4) coupled to the electronic control circuit and responsive to movement of the mirror to produce a sense signal indicative of the whether the mirror is sweeping in the forward or reverse direction, wherein the electronic control circuit is responsive to the sense signal to provide the first electrical signal during forward sweeps and the second electrical signal during reverse sweeps.

Regarding claim 3, the combination discloses the first feed being positioned and oriented such that the first beam of light scans over a first angular range and wherein the second feed being positioned and oriented such that the second beam of light scans over a second angular range that is substantially nonoverlapping with respect to the first angular range.

Regarding claims 4 and 5, Furness discloses a light emitter (82 or 84 or 84) and inherently an optical switch, the optical switch including a light input coupled to the light emitter, a first output, a second output, and an electrical input, wherein the optical switch is responsive to the first electrical signal to direct light from the optical input to the first output and is responsive to the second electrical signal to direct light from the optical input to the second output, wherein the first light feed includes a first light emitter and the second light

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feed includes a second light emitter different from the first light emitter.

Regarding claims 24-26, the method steps are inherent in the proposed arranged device.

Allowable Subject Matter

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest the electronically controlled light guide having a first path extending between the common light emitting device and first light source and a second path extending between the common light emitting device and second light source, the electronically controlled light guide being selectively switchable between the first and second paths as set forth in the claimed combination.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bardmessenger (US 6,020,937).

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Allen et al. (US 5,923,461).

Conclusion


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayez Assaf whose telephone number is (703) 306-5526. The fax number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Fayez Assaf

2/24/03

JOHN JUBA

PRIMARY EXAMINER
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